Decision **PROPOSED DECISION OF ALJ YACKNIN (Mailed 5/20/16)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Moorpark-Newbury 66 kV Subtransmission Line Project.	Application 13-10-021 (Filed October 28, 2013)

DECISION GRANTING PERMIT TO CONSTRUCT THE MOORPARK-NEWBURY 66 KV SUBTRANSMISSION LINE PROJECT

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DECISION GRANTING PERMIT TO CONSTRUCT THE MOORPARK-NEWBURY 66 KV SUBTRANSMISSION LINE PROJECT

Summary

This decision grants Southern California Edison Company (SCE) a permit to construct the Moorpark-Newbury 66 kV Subtransmission Line Project, with mitigation identified in the Mitigation Monitoring, Reporting and Compliance Plan attached to this order. As the lead agency for environmental review of the project, we find that the Environmental Impact Report for this project meets the requirements of the California Environmental Quality Act. This proceeding is closed.

1. Background

By this application, Southern California Edison Company (SCE) seeks a permit to construct the Moorpark-Newbury 66 kV Subtransmission Line Project. The proposed project would provide a new 66 kV subtransmission ~~be~~line between Moorpark and Newbury Substations, and would be located entirely within existing right-of-ways between the Cities of Moorpark and Thousand Oaks in Ventura County.

General Order (GO) 131-D exempts utilities from the otherwise~~-~~ applicable requirement to obtain a permit to construct electric power line facilities with voltages between 50 kV and 200 kV pursuant to certain exemptions specified in Section III.B.1, except that the exemptions shall not apply under certain exception criteria that are specified in Section III.B.2. A utility claiming such an exemption must file an advice letter giving notice of its intent to construct the project pursuant to the exemption.

SCE originally gave notice of its plan to build the proposed project by Advice Letter 2272-E in October 2008, claiming that the project was exempt from GO 131-D's permit requirement pursuant to Section III.B.1.g (Exemption g), which exempts projects that are "located in an existing franchise, road-widening setback easement, or public utility easements …." The advice letter was protested by local governments and local area residents and ultimately resolved by Executive Director Action Resolution E-4225, which determined that the project was indeed exempt from California Public Utilities Commission (Commission) permitting requirements.

Alan and Peggy Ludington (Ludingtons), Danalynn Pritz, and David J. Tanner appealed Resolution E-4225 in March 2009. At the County of Ventura's request, the Commission conducted an informal public participation hearing in September 2009 to provide a forum for the County, SCE, and residents to speak to the matter. On March 11, 2010, the Commission issued Resolution E-4243 dismissing the appeal based on the findings that (1) SCE complied with the notice requirements for the proposed construction of the project; (2) the project was exempt from GO 131-D's permitting requirements pursuant to Exemption g, and (3) the facts claimed by the appellants did not support a finding that the exception criteria applied. SCE commenced project construction in fall 2010.

Ludingtons filed Application (A.) 10-04-020 for rehearing of Resolution E-4243, claiming that Exemption g did not apply to the proposed project, that in any event the conditions specified in Section II.B.2 rendered Exemption g inapplicable, and that the procedures used to resolve the protests to Advice Letter 2272-E, violated our due process and our rules. On

November 11, 2011, the Commission issued Decision (D.) 11-11-019, which dismissed SCE's Advice Letter 2272-E without prejudice, vacated Resolution E-4243, and ordered SCE to cease any construction activity and file this application for a permit to construct on the basis that the rehearing application raised new factual allegations that could not be resolved in the appellate process.[1]

By this juncture, SCE had installed one tubular steel pole and constructed 700 feet of duct bank within the Moorpark Substation; constructed 24 pole foundations and installed 21 complete and one partial tubular steel poles within five miles between Moorpark Substation and the City of Thousand Oaks; evacuated holes for three pole foundations and constructed five pole foundations within three miles between the City of Thousand Oaks and near the intersection of Conejo Center Drive and Rancho Conejo Boulevard; and replaced 27 wood poles with ~~light-weight~~lightweight steel poles, installed a portion of conductor, and transferred the existing lines to the new structures within the remaining one mile to Newbury Substation.

SCE filed this application for a permit to construct the proposed project on October 28, 2013, and timely protests were filed by Ludingtons, James Porter (Porter) Cheryle M. Potter and Herbert T. Potter (Potters), Donald Walker and Therese Walker (Walkers), Krista and Phillip Pederson (Pedersons), the Office of Ratepayer Advocates, and Environmental & Regulatory Specialists, Inc.

Pursuant to GO 131-D, a permit to construct is conditioned on the Commission's determination that the project complies with the California Environmental Quality Act (CEQA) and with the Commission's policies

[1] D.11-11-019 rejected the Ludingtons' claims of due process and rules violations.

requiring the use of low-cost and no-cost measures to mitigate electric and magnetic field effects (EMF). CEQA requires the lead agency (the Commission in this case) to conduct a review to identify the environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project, a project alternative, or no project. Where it is anticipated that the proposed project will create significant and unmitigable environmental impacts, then the lead agency must prepare an environmental impact report (EIR) that identifies the environmental impacts of the proposed project and alternatives, designs a recommended mitigation program to reduce any potentially significant impacts, and identifies, from an environmental perspective, the preferred project alternative.

In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not approve a project unless its design is in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures.

The Commission's Energy Division issued the Draft EIR on June 11, 2015, and issued the Final EIR on November 4, 2015.[2]

A prehearing conference was conducted on August 13, 2015, in Thousand Oaks, California, at which time Santa Rosa Valley Estates Homeowners Association and Center for Biological Diversity (CBD) appeared and were granted party status.

[2] The Final EIR contains comments on the Draft EIR, responses to the comments, and revisions to the Draft EIR. The EIR is comprised of both the Draft EIR and the Final EIR.

Evidentiary hearing was held on January 28, 2016, in Los Angeles. SCE, CBD and, jointly, Ludingtons, Environmental & Regulatory Specialists, Inc.,[3] Santa Rosa Valley Estates Homeowners Association, Pedersons, Potters, Porter and Walker (Intervenors) filed opening briefs on March 10, 2016, and reply briefs on April 10, 2016, upon which the matter was submitted.

2. Scope of Issues

The assigned Commissioner's November 13, 2015, scoping memo identifies the following issues to be determined in this matter:

1. What are the significant adverse environmental impacts of the proposed project? This issue encompasses consideration of whether the project design comports with Commission rules and regulations and other applicable standards governing safe and reliable operations.
2. Are there potentially feasible mitigation measures or project alternatives that will avoid or lessen the significant adverse environmental impacts? This issue encompasses consideration of how to design the proposed project in a manner that ensures its safe and reliable operations.
3. As between the proposed project and the project alternatives, which is environmentally superior?
4. Are the mitigation measures or project alternatives infeasible?
5. To the extent that the proposed project and/or project alternatives result in significant and unavoidable adverse environmental impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
6. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to

[3] Environmental & Regulatory Specialists, Inc. is represented by David J. Tanner. Although the Intervenors' brief misidentifies David J. Tanner as the party, we deem it to be jointly sponsored by Environmental & Regulatory Specialists, Inc.

approving the project or a project alternative, and does the EIR reflect our independent judgment?

7. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

8. Should the application be dismissed on the basis that SCE and Commissioners or Commission staff engaged in (1) private communications between SCE and Commissioners' personal advisors during the pendency of A.10-04-020, (2) private communications between SCE and Commissioners' personal advisors during the pendency of the informal appeal of Resolution E-4225,[4] (3) private communications between SCE and the Commission's General Counsel during the pendency of A.10-04-020, and/or (4) communications between SCE and environmental consultants for the Commission's Energy Division regarding SCE's preparation of the Proponent's Environmental Assessment for this application?

3. Environmental Impacts of Proposed Project

The proposed project would consist of the following main components:

- Installation of approximately 500 feet of new underground 66 kV subtransmission line and a new line position in the 66 kV switchrack entirely within Moorpark Station.

- Installation of two tubular steel pole foundations, four tubular steel poles, the upper portion of one tubular steel pole, and approximately five miles of conductor on new and existing tubular steel poles along the new Moorpark-Newbury 66 kV subtransmission line on the south and east sides of SCE's existing Moorpark-Ormond Beach 220 kV right-of-way.

[4] The scoping memo inadvertently refers to the informal appeal of Resolution E-4243. The correct reference is to Resolution E-4225, which was resolved by Resolution E-4243. Resolution E-4243 was formally appealed by A.10-04-020, which was resolved by D.11-11-019.

- Installation of eight tubular steel foundations, 13 double-circuit tubular steel poles, and approximately two miles of conductor on the new Moorpark-Newbury 66 kV subtransmission line, and reconductoring of two miles of the Moorpark-Newbury-Pharmacy 66 kV subtransmission line. The two subtransmission lines would be collocated on the new double-circuit tubular steel poles, and 14 existing lattice steel towers along this two-mile segment would be removed.

- Installation of approximately one mile of conductor in order to collocate the two subtransmission lines on previously installed lightweight steel poles into Newbury Substation. In addition, four tubular steel pole foundations, four tubular steel poles, two lightweight steel poles, and a new 66 kV subtransmission line position would be installed, and six wood poles would be removed, at Newbury Substation.

The proposed project would have significant and unavoidable impacts on air quality and noise during project construction. Construction-related daily exhaust emissions of NOx would exceed the applicable significance threshold, resulting in emissions that could contribute to a violation of ozone air quality standards, which would be individually significant as well as cumulatively considerable. Construction-related activities would generate noise levels that would exceed the Ventura County construction noise threshold criteria, and nighttime construction–related activities would substantially increase ambient noise levels in the cities of Moorpark and Thousand Oaks.

The proposed project would not have any significant environmental impacts on aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation and traffic that cannot be mitigated to a less-than-significant level with the mitigation

measures identified in the Mitigation Monitoring, Reporting and Compliance, and Program (MMRCP).

The proposed project would have no impact or a less-than-significant impact on agriculture and forestry resources, energy conservation, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems.

4. Project Alternatives

CEQA requires the consideration of a range of reasonable project alternatives to the proposed project that would feasibly attain most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project.

The EIR identifies the following project objectives:

- Meet forecasted electrical demand in the Electrical Needs Area (ENA).
- Maintain sufficient voltage in accordance with applicable requirements.
- Maintain system reliability within the ENA.
- Utilize and manage existing right-of-way in a prudent manner.
- Maintain consistency with the Garamendi Principles (Senate Bill 2431, Stats. 1988, Ch. 1457).
- Maintain consistency with GO 95's rules for overhead electric line construction.
- Design and construct the project in conformance with SCE's applicable engineering, design, and construction standards.

The EIR screened six project alternatives (and a combination of two of those alternatives), but determined that none would both feasibly attain most of the basic project objectives and avoid or substantially lessen the proposed project's significant effects. Alternative 1 (reconductoring) would result in the projected overload of the Moorpark-Newbury tap in 2023[5] and voltage violations at Newbury Substation in 2015. Alternative 2 (realignment of a portion of the Moorpark-Ormond Beach line) would be inconsistent with GO 95 pertaining to unnecessary crossings of existing transmission lines and would not conform to SCE's engineering, design, and construction standards, and it would result in greater environmental impacts than the proposed project. Alternative 3 (collocation with existing Moorpark-Newbury-Pharmacy line) failed because it would result in greater environmental impacts than the proposed project. Alternative 4 (reconnect the Camgen Generator) would result in projected voltage violations at Newbury Substation in 2015.[6] Alternative 1 combined with Alternative 4 would result in the projected overload of the Moorpark-Newbury tap in 2023 and voltage violations at Newbury Substation in 2015. Alternative 5 (demand-side management) would not serve projected demand or reliability objectives and is not feasible on a scale that would be suitable to replace the proposed project within a reasonable period of time. Alternative 6 (renewable and distributed generation energy resources) would still require upgraded or new subtransmission and transmission infrastructure, there is limited potential for local renewable resources or distribute generation to meet the projected

[5] Citing to the Draft EIR, CBD incorrectly asserts that the EIR identifies the projected overload as occurring in 2026. (CBD opening brief, p.9.) The Final EIR revised this projection to 2023. (Final EIR, pp. 3.1-9 and 4-12.)

[6] Intervenors incorrectly assert that the EIR eliminated this alternative because of the possibility of insufficient right–of-way. (Intervenors' opening brief, p.36.)

demand or reliability objectives for the projects, and it would potentially result in greater environmental impacts than the proposed project.

CEQA also requires the evaluation of the "no project" alternative. The EIR evaluated two "no project" alternatives.

Under the No Project Alternative 1, the proposed project would not be built, and all of the infrastructure already constructed for the project would remain in place. The No Project Alternative 1 would have no impact for all resource areas.

Under the No Project Alternative 2, the proposed project would not be built, and the infrastructure already constructed for the project would be removed (with the exception of the previously installed lightweight steel poles and energized conductor and, at SCE's discretion, the infrastructure already installed at Moorpark and Newbury Substations). The No Project Alternative 2 would have significant and unavoidable impacts on air quality and noise during deconstruction similar to, but slightly less than, those of the proposed project. The No Project Alternative 2 would have similar or lesser impacts than the proposed project in all other resource areas.[7]

5. Environmentally Superior Alternative

Pursuant to CEQA Guidelines § 15126.6(e)(2), if the EIR identifies the "no project" alternative as the environmentally superior alternative, it must "also identify an environmentally superior alternative among other alternatives." The EIR identifies the No Project Alternative 1 as the environmentally superior

[7] Citing to Table 6-1 summarizing *significant and unavoidable* environmental impacts of the proposed project and alternatives, Center for Biological Diversity (CBD) incorrectly asserts that the EIR finds that the No Project Alternative 2 would have the same impacts as the proposed project. (CBD opening brief, p.8.) To the contrary, as shown in Table 6-2 summarizing *all* environmental impacts, the EIR finds that the No Project Alternative 2 would have slightly less impacts than the proposed project in most resource areas.

alternative because it would avoid any environmental impacts. The EIR analyzed a range of alternatives, but did not identify any that could feasibly accomplish most of the basic objectives of the proposed project and could avoid or substantially lessen one or more of the significant effects. Therefore, the proposed project is the environmentally superior alternative apart from the "no project" alternatives.

6. Certification of EIR

CEQA requires the lead agency to certify that the EIR was completed in compliance with CEQA, that the agency has reviewed and considered it prior to approving the project, and that the EIR reflects the agency's independent judgment.

Energy Division issued the Draft EIR for public review and comment on June 11, 2015, and provided notice of the public review period and public meeting on June 24, 2015, in Thousand Oaks to public agencies, adjacent property owners and occupants, the official service list for this matter, and agencies, organizations, and individuals that submitted comments on the Notice of Preparation for the EIR, and published public notices on June 11 and 20, 2015, in the local newspaper. Public comments were taken from at least 18 speakers at the public meeting, and Energy Division received written comments from approximately 170 individuals and organizations during the comment period, which ended July 27, 2015, and six written comments between September 2 and October 18, 2015, after the comment period had ended.

The Final EIR documents all comments made on the Draft EIR, and responds to them, as required by CEQA.[8] The EIR identifies the proposed

[8] The Final EIR responds to the late comments but, due to publishing constraints resulting from their lateness, does not include them in the document.

project's significant and unavoidable environmental impacts, mitigation measures that will avoid or substantially lessen them, and the environmentally superior alternative. We have reviewed and considered the information contained in the EIR, as well as parties' challenges to the adequacy of the EIR as discussed below. We certify that the EIR was completed in compliance with CEQA, we have reviewed and considered the information contained in it, and we certify that it reflects our independent judgment and analysis.

6.1. Project Description and Baseline

Intervenors and CBD assert that the EIR is inadequate because it includes SCE's past construction of the power line as part of the baseline conditions and excludes the past construction from the project description. To the contrary, the EIR's definition of baseline conditions fully complies with CEQA. CEQA Guidelines § 15125(a) provides:

> An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

There is no reasonable dispute that the physical environmental conditions in the vicinity of the project, as they existed at the time the notice of preparation was published, included SCE's past construction.

CBD asserts that, pursuant to CEQA Guidelines § 15125(a), the proper baseline is conditions at the time SCE filed Advice Letter 2272-E because the

Commission engaged in environmental analysis "when it determined that a CEQA exemption was applicable." (CBD opening brief, p.15.) CBD mistakenly confounds exemption from CEQA with inapplicability of CEQA. CEQA only applies to "projects," which are defined in relevant part as "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guideline § 15378(a)(3).) A CEQA "project" may nevertheless be exempt from CEQA review under a number of exemptions contained in CEQA Guidelines §§ 15250 through 15333. However, if an activity does not require a permit, it is not a "project" subject to CEQA in the first place. Here, SCE's advice letter was not an application for a permit, and the Commission's inquiry at the time SCE filed its advice letter was not whether construction of the Moorpark-Newbury 66 kV Transmission Line was exempt from CEQA review. Rather, the Commission's inquiry was whether the construction was exempt from GO 131-D's permitting requirements such that it was not a "project" and therefore not subject to CEQA in the first place. Resolution E-4225 affirmed, and Resolution E-4243 reaffirmed, that the activity did not require a permit pursuant to GO 131-D. As it did not require a permit, the activity was not a "project" and was not subject to CEQA.

Intervenors and CBD maintain that D.11-11-019's subsequent dismissal of Advice Letter 2272-E and vacation of Resolution E-4243 constituted the Commission's "acknowledging the mistake it made" in granting its "wrongly issued approval" for the "illegal construction." (CBD opening brief, p.15; Intervenors' opening brief, p.73.) To the contrary, D.11-11-019 expressly stated that it did not make any decision as to whether SCE required a permit pursuant to GO 131-D. (D.11-11-019 at 2, 20.) To be sure, by D.11-11-019's order directing

SCE to cease construction and apply for a permit to construct the power line, additional power line construction thereupon became a "project" under CEQA because it thereupon became "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." (CEQA Guidelines § 15378(a).) Nevertheless, the Commission's post-hoc order requiring SCE to obtain a permit to construct the power line cannot be held to transform the prior construction into an illegal activity under CEQA.

In any event, whether or not the prior construction was illegal makes no difference for purposes of the CEQA analysis. The general rule that ongoing activities should be treated as part of the baseline applies equally when the project includes renewal of a permit for an existing facility, even though the facility was not previously reviewed under CEQA. (*Citizens for East Shore Parks v. California State Lands Comm'n* (2011) 202 Cal.App.4th 549, 557-558.) It also applies when the existing physical conditions violate current regulatory provisions. (*Id.* at 559; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1452-1453; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1270; *Eureka Citizens for a Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 371.)

Intervenors and CBD assert that the past construction must be included in the EIR's project description because it is part of the Moorpark-Newbury 66 kV subtransmission line and therefore part of the "whole of the action" as CEQA Guidelines § 15378 defines the term "project." (CBD opening brief, p.5.) They assert that the EIR instead improperly divides the project into parts, contrary to CEQA Guidelines § 15069 and its interpretation in Bozung v. Local Agency

Formation Com. (1975) 13 Cal.3d 263 and its progeny. To the contrary, CEQA Guidelines § 15069 and its prohibition against "piecemealing" a project into its parts concerns future activities, not past activities that are properly included in the project baseline as was the case in Fat, Riverwatch and Eureka Citizens.[9]

Intervenors cite to *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 396, for the proposition that the "whole of the project" should encompass SCE's "master plan" for the Big Creek-Ventura area, including any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities including the substations, transmission lines and right-of-ways that serve them, as well as SCE's 2015 Distributed Resources Plans, its proposed Puente Power Plant in Oxnard, its improvement and reconductoring of the Colonia substation and line, any pole replacement and reconductoring under the Pole Loading Program, SCE's 2014 Energy Storage Procurement Plan, and SCE's rooftop solar projects under Assembly Bill 327. (Intervenors' opening brief, pp. 70-71.) To the contrary, Laurel Heights holds that "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project." (Laurel Heights at 396.) Intervenors do not show that any of these activities are a reasonably foreseeable

[9] CEQA Guidelines § 15069 provides, "Where individual projects are, or a phased project is, ☼ *to be undertaken* and where the total undertaking comprises a project with significant environmental effect, the lead agency must prepare a single EIR for the ultimate project." (Emphasis added.)

consequence of the Moorpark-Newbury 66 kV subtransmission line, and there is no basis for us to assume otherwise.

CBD maintains that the EIR must review the prior construction because D.11-11-019 directed SCE to file this application "if it wishes to build the power line described in Advice Letter 2272-E" and the past construction is part of that power line. We do not interpret this language to have us engage in a fiction in which the past construction has not occurred, or to have us deviate from established precedent with regard to the scope of CEQA review as discussed above.

6.2. Project Objectives

Intervenors argue that the EIR is flawed because the Draft EIR's project objectives deviated from the project description in Advice Letter 2272-E, and because the Final EIR's project objectives deviated from the Draft EIR by identifying potential new voltage violation scenarios in response to SCE comments on the Draft EIR. Intervenors cite to *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193, and *Santiago County Water Dist. v. County of Orange* (1981) 118 CA3d 818 for the proposition that the EIR's project description should be deemed inadequate for this reason. (Intervenors' opening brief, pp.61-64.) Intervenors are mistaken; the project objectives are the same in Draft and Final EIRs. (Compare Draft EIR, p. 1-3 and Final EIR, p. 3.1-4.) Intervenors mischaracterize the Final EIR's response to comment O9-1 as altering the second project objective[10] by "add[ing] a third violation criterion: 'overload on the Thousand Oaks 66 kV line beginning in 2015 during an N-1 abnormal system condition." (Intervenors' opening brief, p.64.) To the contrary, the response does not alter the project objective; rather, it notes SCE's comment that

[10] "Maintain sufficient voltage in accordance with applicable requirements."

identifies this additional voltage criteria violation under SCE's most recent 10-year forecast. (Final EIR, Response O9-1, p.3.2-93.) Intervenors offer no rational basis for concluding that the EIR is flawed for acknowledging this information, and none is apparent.

6.3. Cumulative Impacts

The Final EIR revises the Draft EIR's discussion of "CPUC Procedural Activities" (Section 2.2) to clarify that past construction activities are considered in the analysis of cumulative effects (Chapter 7) to the extent that they are causing continuing impacts that could combine with those of the proposed project. (Final EIR, Master Response 4, p. 3.1-24.) However, as Intervenors point out, the Final EIR did not carry this clarification through to Chapter 7 itself. Accordingly, Energy Division issued an errata on April 21, 2016, revising Chapter 7 to comport with the response to comment.

6.4. Electrical Needs Area

The EIR defines the Electrical Needs Area (ENA) to be served by the proposed project as the customers served by the Newbury and Pharmacy Substations. Intervenors assert that the ENA "was intentionally designed to ignore the favorable impact of the interrelatedness between Newbury Substation and adjacent substations," and that it should instead be defined as the customers served by the Newbury, Thousand Oaks and Potrero Substations because the Pharmacy Substation cannot be considered in determining reliability, Thousand Oaks Substation's load growth has factored into SCE's load

growth forecast,[11]

and Thousand Oaks and Potrero Substation are logically related to the Moorpark system grid. (Intervenors' opening brief, pp. 35 and 81.) Intervenors' assertion is without merit. The EIR properly defines the ENA as the customers served by the Newbury and Pharmacy Substations because these are the customers whose service would be directly at risk of disruption if an outage were to occur on the Moorpark-Newbury-Pharmacy line. Furthermore, the definition of the ENA does not – and did not in this case – restrict consideration of the interrelatedness of facilities outside of the ENA in the evaluation of project alternatives: The EIR considered the related Newbury-Thousand Oaks line when it identified and analyzed Alternative 1, which would reconductor both the Moorpark-Newbury-Pharmacy line and the Newbury-Thousand Oaks line. (Draft EIR, p. 4-7.)

6.5. Public Safety Hazards

Intervenors assert that the EIR failed to give due consideration to public safety concerns raised in comments on scoping and the Draft EIR. To the contrary, the very citations that intervenors reference in support of this proposition demonstrate that the Final EIR appropriately summarizes and responds to all such comments. (Final EIR, pp. 3.3-116, 127-130.) We reiterate CEQA Guideline § 15151 which states in part, "Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts."

[11] Intervenors charge SCE with manipulating its load growth forecast by adding ¤ Thousand Oaks Substation's projected load growth to its 2015-2024 forecast. (Intervenors' opening brief, p.64.) To the contrary, all of the power flow forecasts that SCE has provided in this proceeding (i.e., 2013-2022, 2014-2023, and 2015-2023) have included load forecast data for Thousand Oaks Substation. (*See* Proponent's Environmental Assessment, Attachments B, C, and D, and SCE responses to CPUC Data Requests 3 and 6.)

6.6. Peak Load Growth Forecasts

Intervenors and CBD challenge the EIR for using SCE's peak load growth forecast, which they assert is overstated and unsupported.[12] To the contrary, as the Final EIR explains, the EIR reasonably relied upon SCE forecasts after independent review by its environmental consultant and electrical transmission planning consultant. (Final EIR, Master Response 5, pp. 3.1-25 through 3.1-28.) The EIR comports with CEQA Guidelines § 15144 that, while recognizing that "foreseeing the unforeseeable is not possible," an agency is required to "use its best efforts to find out and disclose what it reasonably can."

6.7. Alternatives

CBD challenges the EIR for rejecting Alternatives 1, 4, 1+4, 5 and 6 in part because they would result in voltage violations; CBD asserts that such violations can be resolved by not re-energizing the Pharmacy Substation following an N-1 of the Moorpark-Newbury-Pharmacy line. (CBD opening brief, pp. 9-10.) To the contrary, as discussed in greater detail in Part 8 ("Overriding Considerations") below, SCE is obligated to re-energize Pharmacy Substation following an outage of the Moorpark-Newbury-Pharmacy line. CBD also asserts that such violations can be resolved by installing more reactive power at the Newbury Substation and transferring some load from the Newbury Substation to adjacent substations. (*Id.)* CBD does not cite to any record evidence for this proposition in violation of Rule 13.11, and it is not apparent what CBD means by installing more reactive power at Newbury Substation. However, we note that the EIR evaluated the option of implementing a power storage facility at Newbury

[12] Intervenors object to SCE's peak load growth forecast for using "normal" peak demand instead of "low" or "no" growth. (Intervenors' opening brief, p.48.) We note that, to the contrary, SCE's 2014-2023 and 2015-2024 forecasts used "likely case" peak data, not "normal" peak demand data. (*See* Final EIR, Master Response 5, p. 3.1-28.)

Substation (Final EIR, Appendix G, p.7) and of transferring some load from the Newbury Substation to adjacent substations (*id*., pp. 1-2) and explains why they were determined not to be feasible.

CBD suggests that battery storage is a viable project alternative because, contrary to SCE's argument in its opening brief that it would only provide two of the four hours that SCE considers to be necessary during an N-1 condition at peak demand, SCE witness McCabe allegedly "admitted" under cross-examination that a four-hour battery could be used. (CBD reply brief, pp. 4-5, citing to RT 157-158, 160.) CBD mischaracterizes and obfuscates the testimony. Witness McCabe merely agreed that "it is possible that there would be a battery that would have a four-hour duration," and his testimony on page 159, which CBD omitted from its citation, explains that the battery described in CBD's hypothetical would not be sufficient to serve the requisite load. In any event, the EIR considered the potential for electricity storage as a project alternative in response to comments, and reasonably concluded that it is not. (*See* Final EIR, Master Response 1, pp. 3.1-6 through 3.1-8, addressing electricity storage in the context of demand-side management and distributed energy generation alternatives; Response I50-3, p.3.3-222, regarding thermal energy storage; and Appendix G, p.7, regarding general storage equipment at Newbury Substation.)

CBD suggests that voltage support devices are a viable project alternative because, contrary to SCE's argument in its opening brief that it risks creating an excessive overvoltage situation, witness McCabe allegedly acknowledged under cross-examination that concern to be a "red herring." (CBD opening brief, p.6, citing to RT 160-161.) To the contrary, in the testimony to which CBD cites,

witness McCabe merely agreed that capacitors can be set to automatically switch off when a high-voltage condition is detected, and that automatic switches have the ability to energize and de-energize capacitor banks in a fraction of a second. We do not conclude from this testimony that voltage support devices are therefore a viable project alternative to the proposed project. Furthermore, we remind CBD that the time and place for suggesting additional project alternatives beyond those assessed in the Draft EIR was in comment on the Draft EIR.

(*See* June 11, 2015, Administrative Law Judge's (ALJ) Ruling; Assigned Commissioner's Scoping Memo.) We are not aware of any such comment with regard to the viability of voltage support devices as a project alternative, and CBD's testimony on this subject is untimely. In any event, we are persuaded by SCE witness McCabe's rebuttal testimony that concludes, based on SCE's investigation of a range of seven hypothetical capacitor-based options and consideration of space at the existing facilities, such alternative is not feasible. (SCE/McCabe, Exhibit 9, pp. 10-23.)

Intervenors suggest that the EIR is flawed for failing to evaluate SCE's "Operational Excellence" program as a project. (Intervenors' opening brief, pp. 28-29.) To the contrary, as discussed more fully in Part 7.8 ("Independent Judgment and Analysis") below, the Final EIR evaluated the alternative in response to Ludingtons' late comment on the Draft EIR identifying this potential alternative, and the EIR provides a sufficient explanation of why it did not qualify for full evaluation. (Final EIR, Appendix G.)

6.8. Independent Judgment and Analysis

Intervenors assert that "the Final EIR appears to accept every assertion of SCE, without meaningful independent assessment," specifically with regard to its rejection of project alternatives and its electrical demand and need projections. (Intervenors' opening brief, p.86.) To the contrary, as evidenced by the response to comments challenging the Draft EIR, the EIR presents a fair and impartial assessment of these issues. (*See* Final EIR, Master Responses 1 and 5, Responses I50-12 through I50-34, and Response O9-11.)

Intervenors assert that the EIR does not reflect the Commission's independent judgment, and is biased, because Energy Division's project manager was staff on Advice Letter 2272-E and the resolutions affirming that the project was exempt from GO 131-D's permitting requirements. To the contrary, the project manager's prior involvement in the determination of whether the proposed project was exempt from GO 131-D's permitting requirements does not reasonably create the appearance of bias, much less demonstrate it, and such suggestion is belied by the substance of the EIR.

Intervenors assert that the EIR is biased because, previously, in SCE's application for a permit to construct the Presidential Substation project (A.08-12-023), the Energy Division's consultants had determined that the Presidential Substation project did not include the Moorpark-Newbury project, notwithstanding public demand to the contrary. To the contrary, the consultants' prior determination regarding the project description in A.08-12-023 does not reasonably create the appearance of bias, much less demonstrate it, and such suggestion is belied by the substance of the EIR.

Intervenors assert that the failure to include Ludington's late comment letters in the Final EIR or to analyze the new information provided in them "seems a gross dereliction" of the Commission's duty to explore alternatives and demonstrates bias. (Intervenors' opening brief, pp. 88-89.) To the contrary, as stated in the Final EIR, the 45-day comment period concluded on July 27, 2015, and Ludingtons' late comment letters were received on September 2, 9, and 24, and October 12, 16, and 18, 2015, making it infeasible to include the comments in the Final EIR and publish the Final EIR on a reasonable schedule. Furthermore, the Final EIR does in fact evaluate the late comments and provides a sufficient explanation of why the numerous additional proposed project alternatives did not qualify for full evaluation and that the new information did not identify new issues or more severe impacts that would change any EIR findings. (Final EIR, Appendix G.) We reiterate that disagreement among experts does not make an EIR inadequate; nor does it demonstrate bias.

7. Infeasibility of Proposed Project and Mitigation Measures

CEQA Guidelines §15091(a) prohibits an agency from approving a project for which an EIR has been certified and which identifies one or more significant environmental effects of the project unless (1) the project incorporates changes that avoid or substantially lessen the project's significant environmental impacts, (2) such changes are within the responsibility and jurisdiction of another agency who can or will adopt them, or (3) such changes are infeasible. In this case, with the mitigation identified in the MMRCP the proposed project will avoid all significant environmental impacts other than air quality and noise impacts during project construction. No party asserts that any of the identified mitigation is infeasible and we have no reason to find otherwise.

8. Overriding Considerations

Pursuant to CEQA Guidelines § 15093, the Commission may only approve a project that results in significant and unavoidable impacts if it finds that there are benefits to the project that outweigh the unavoidable adverse environmental impacts and makes a statement of overriding considerations to that effect.

The proposed project would enable SCE to avoid a projected violation of applicable voltage criteria beginning in 2015 at Newbury and Pharmacy Substations, and overload on the Newbury-Thousand Oaks line,[13] under N-1 abnormal system conditions, in which SCE would likely be obliged to shed some of the load served by Newbury Substation. It would also avoid a projected overload under base case conditions on the Moorpark-Newbury-Pharmacy line beginning in 2024.

Intervenors and CBD argue that the project is not needed because the potential voltage criteria violation can be avoided by leaving Pharmacy Substation and its industrial customer off-line for the duration of the N-1 event. To the contrary, system planning based on the targeted load interruption to one customer in order to provide other customers continued service would be a violation of SCE Tariff Rule 14.C, which requires in the event of a supply shortage that SCE apportion its electricity supply in an equitable manner.

Intervenors and CBD argue that SCE's planning criteria sanction such an approach because it allows for load interruptions at facilities served by a single subtransmission system component. SCE counters that the provision does not contemplate a wholesale interruption of the load served by the facilities, but only a brief interruption of service where at least some of the load can be

[13] The Final EIR identified the overload on the Newbury-Thousand Oaks line beginning in 2015 during an N-1 abnormal system condition. (Final EIR, Response O9-1, p. 3.2-93.)

accommodated by other distribution circuit connections during the N-1 event, which is not possible in this instance. We agree that a contrary conclusion would violate Tariff Rule 14.C and principles of fundamental fairness and equal protection.

9. Electric and Magnetic Fields Mitigation

The Commission has examined EMF impacts in several previous proceedings.[14] We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A, that all requests for a permit to construct include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the proposed project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is 4 percent of the total budgeted project cost that results in an EMF reduction of at least 15 percent (as measured at the edge of the utility right-of-way).

[14] *See* D.06-01-042 and D.93-11-013.

SCE filed a detailed Field Management Plan (FMP) as Appendix F to its application, based on the proposed project. The FMP provides that the project will utilize subtransmission structure heights that meet or exceed SCE's preferred EMF design criteria, arrange conductors of subtransmission ~~line~~lines for magnetic field reduction, and utilities double-circuit construction that reduces spacing between circuits as compared with single-circuit construction. In addition, SCE will place new electrical equipment away from the Moorpark Substation property lines closest to populated areas.

Intervenors argue that, in identifying potential no-cost and low-cost measures, SCE should have assumed the existing 220 kV Moorpark-Ormond Beach 220 kV line's current status of limited energization (as the current peaker Mandalay and Ormond Beach Power Plants are being decommissioned and the proposed Puente Power Plant is designed as a peaker). We find it more prudent to plan for the potential maximization of the line's use when identifying measures to reduce EMF effects.

Intervenors argue that SCE should have analyzed affixing insulators and conductor mounts on the west side of the tubular steel poles rather than on the east side closer to homes. SCE witness Hung testified at hearing that the effect of this small shift on EMF reduction would be negligible, and he raised questions about whether it would inhibit safe maintenance access to poles and towers. (SCE/Hung, RT 92-106.) Nevertheless, Intervenors' suggestion appears to have the potential to reduce EMF effects at little or no cost, and there is not sufficient evidence to conclude that it would in fact inhibit access. It is reasonable for SCE to analyze the potential measure and implement it if it is found to be feasible and low- or no-cost. We therefore direct SCE to perform the analysis, and to submit

an advice letter reporting on its results and, if appropriate, amending its FMP to incorporate the measure.

Intervenors argue that SCE should have analyzed the EMF effects of constructing the project on the west side of the Moorpark-Ormond Beach right-of-way (Alternative 2) or any other of the EIR alternatives. We reject these arguments as moot as the EIR has found the alternatives not to be feasible.

We find that the FMP complies with the Commission's EMF decisions, except that we direct SCE to submit an advice letter no later than 90 days after the effective date of this decision reporting on the results of its analysis of whether affixing insulator and conductor mounts to the west side of project poles are a low- or no-cost measure for reducing EMF effects and, if so, amending the FMP accordingly.

10. SCE's Communications with Advisors, Staff, and General Counsel During Pendency of Prior Proceedings and EIR

Intervenors, supported by CBD, assert that this application warrants dismissal due to the following undisputed contacts between SCE and Commission staff:

- During the pendency of the informal appeal of Resolution E-4225, SCE representatives communicated with then-President Peevey's personal advisor Carol Brown (and perhaps other Commissioners' personal advisors) regarding the status of its discussions with the County of Ventura regarding the Moorpark-Newbury power line project.

- During the pendency of the informal appeal of Resolution E-4225, SCE representatives provided technical information regarding the project to Energy Division engineering staff.

- During the pendency of A.10-04-020, the formal application for rehearing of Resolution 4243-E, an SCE representative communicated its intention to commence, and status of, project construction to Energy Division manager
Ken Lewis.
- During the pendency of A.10-04-020, an SCE representative communicated to Commission General Counsel that project construction had commenced.
- Energy Division staff and consultants advised SCE regarding preparation of the Proponent's Environmental Assessment (PEA), and requested and received responses to data requests regarding the PEA.

Intervenors label these communications as unfair, inappropriate, and unethical, warranting dismissal of the application. Intervenors concede that the communications violate no rule or statute. However, they contend that the communications are nevertheless unfair, inappropriate, and unethical. (Intervenors' opening brief, pp. 96-103.) To the contrary, statute and rule clearly delineate between permissible and impermissible communications regarding Commission matters, and we do not presume to challenge that delineation here. There is no prohibition under any circumstances against private substantive communications between regulated utilities or any interested persons and Energy Division staff or the General Counsel, and communications with Commissioners' personal advisors is only prohibited in formal proceedings that have been categorized as adjudicatory (and is permitted, but must be reported, in formal proceedings that have been categorized as ratesetting). Public Utilities Code (Pub. Util. Code) §§ 1701.1 et seq.; Rule 8.1 et seq.) The advice letter process, by definition, is not a formal proceeding and, consistent with

Rule 8.3(g), the restrictions (or lack thereof) that attended the informal process underlying Advice Letter 2272-E applied to A.10-04-020, the formal application for rehearing of Resolution 4243-E. These communications do not warrant dismissal of this application.

Intervenors assert that the communications between SCE and Energy Division and its consultants regarding the sufficiency of the PEA, and Energy Division's "collegial" data requests to SCE served to inappropriately "coach" and "collaborate with" SCE in "correcting and perfecting data and power flow analyses," warranting dismissal of the application. (*Id.*, pp.104-108.) To the contrary, Energy Division and its consultants independently, objectively, and rigorously tested the need for and alternatives to the proposed project, as demonstrated by the CEQA administrative record and the Commission's commissioning of a third-party electrical consultant to evaluate the electrical data provided by SCE. The Intervenors' allegations are without merit.

11. Other Issues

Intervenors raise three additional issues in context of the private communications between SCE and Commission staff. First, Intervenors' conjecture, on the one hand, that no one involved in the rehearing process at the Commission was aware of the start of construction (*id.*, pp. 93-94)[15] while asserting, on the other hand, that the Commission's General Counsel was aware of the construction during the Commission's ongoing legal review (*id.*, pp.100-101). In the context of these communications (or lack thereof), Intervenors assert that it was unfair, inappropriate and unethical for SCE to have

[15] Intervenors note SCE's testimony that it kept Energy Division staff apprised of its project construction, but do not offer any basis for conjecturing that staff did not communicate this information to Legal Division. (*Id.*, p. 94.)

proceeded with construction, warranting dismissal of the application. We disagree. By statute and rule, the application for rehearing of Resolution E-4243 did not stay the resolution. (Pub. Util. Code § 1733, Rule 16.1(b).) We further note that the Commission recognized that SCE may have already proceeded with construction when it ordered SCE to cease it. (D.11-11-019, ordering paragraph 5.) SCE was within its rights to commence construction during the pendency of the application for rehearing of Resolution 4243-E, and its having done so does not warrant dismissal of this application.

Second, Intervenors assert that the Commission inappropriately resisted their Public Records Act (PRA) requests for project-related communications between the Commission and SCE, which contaminated this proceeding and contributed to the circumstances warranting dismissal of the application. (*Id.*, pp. 91-92.) The issue of the Commission's compliance with the PRA is well beyond the scope of this proceeding.

Lastly, Intervenors assert that it was unfair, inappropriate and unethical for the Commission to have voted on Resolution 4243-E notwithstanding alleged representations by President Peevey's personal advisor Carol Brown that the Commission would not vote on the item until the public's concerns were satisfied, warranting dismissal of this application. (*Id.*, pp. 96-99.) The issue of whether the Commission improperly voted on Resolution 4243-E is well beyond the scope of this proceeding.

12. Comments on Proposed Decision

The proposed decision of ALJ Hallie Yacknin in this matter was mailed to the parties in accordance with Pub. Util. Code § 311 and comments were allowed pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on June 8, 2016, by SCE, Intervenors, and CBD, and reply comments were filed on June 14, 2016, by SCE and Intervenors. Intervenors' and CBD's comments asserting error are without merit. SCE's comments identify a minor factual error in the proposed decision's project description, and we correct it. No other changes are made to the proposed decision.

13. Assignment of Proceeding

Carla Peterman is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

Findings of Fact

1. The proposed project would have significant impacts on air quality and noise during project construction that can be reduced, but not avoided, with mitigation identified in the MMRCP.

2. The proposed project would not have any significant environmental impacts on aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation and traffic that cannot be mitigated to a less-than-significant level with the mitigation measures identified in the MMRCP.

3. The proposed project would have no impact or a less-than-significant impact on agriculture and forestry resources, energy conservation, geology and soils, greenhouse gas emissions, land use and planning, mineral resources,

population and housing, public services, recreation, and utilities and service systems.

4. There are no alternatives to the proposed project that would feasibly attain most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project.

5. The No Project Alternative 1 would have no impact for all resource areas.

6. The No Project Alternative 2 would have significant and unavoidable impacts on air quality and noise during deconstruction similar to, but slightly less than, those of the proposed project, and similar or lesser impacts than the proposed project in all other resource areas.

7. The proposed project is the environmentally superior project alternative.

8. The proposed project and its identified mitigation measures in the MMRCP are not infeasible.

9. The proposed project would enable SCE to avoid a currently projected violation of applicable voltage criteria in 2015 at Newbury Substation under N-1 conditions, in which SCE would likely be obliged to shed some of the load served by Newbury Substation, and to avoid a projected overload under base case conditions on the Moorpark-Newbury-Pharmacy line beginning in 2024.

10. SCE's FMP incorporates many feasible no-cost and low-cost measures to reduce potential EMF impacts by utilizing subtransmission structure heights that meet or exceed SCE's preferred EMF design criteria, arranging conductors of subtransmission ~~line~~lines for magnetic field reduction, and utilizing double-circuit construction that reduces spacing between circuits as compared with
single-circuit construction and, at the Moorpark Substation, placing new

electrical equipment away from the substation property lines closest to populated areas.

11. Affixing insulator and conductor mounts to the west side of project poles, rather than the east side, may be a feasible and effective low- or no-cost measure for reducing EMF effects.

Conclusions of Law

1. The EIR was completed in compliance with CEQA.

2. The EIR reflects the Commission's independent judgment and analysis on all material matters.

3. The project benefits of enabling SCE to avoid a projected violation of applicable voltage criteria in 2015 at Newbury Substation under N-1 conditions, in which SCE would likely be obliged to shed some of the load served by Newbury Substation, and to avoid a projected overload under base case conditions on the Moorpark-Newbury-Pharmacy line beginning in 2024 are overriding benefits that merit project approval notwithstanding its significant and unavoidable impacts on air quality and noise during project construction.

4. SCE should analyze whether affixing insulator and conductor mounts to the west side of project poles are a feasible and effective low- or no-cost measure for reducing EMF effects and, if so, amend the FMP accordingly. SCE's FMP otherwise comports with the Commission's policies regarding the mitigation of EMF effects.

5. None of the private communications between SCE and Commissioners' personal advisors, General Counsel, staff and consultants during the pendency of Advice Letter No. 2272-E, the informal appeal of Resolution E-4225, or A.10-04-020 formally appealing Resolution E-4243, or during the preparation of

the ~~Proponents~~Proponent's Environmental Assessment or EIR in this proceeding, were contrary to statute or rule, or otherwise unfair, inappropriate, or unethical.

6. SCE was within its rights to commence construction during the pendency of the application for rehearing of Resolution 4243-E, and its having done so does not warrant dismissal of this application.

7. The issue of the Commission's compliance with the PRA is beyond the scope of this proceeding.

8. The issue of whether the Commission improperly voted on Resolution 4243-E is beyond the scope of this proceeding.

9. SCE should be granted a permit to construct the Moorpark-Newbury 66 kV Subtransmission Line Project with the mitigation identified in the MMRCP, which is attached to this decision.

10. This decision should be effective today.

11. Application 13-10-021 should be closed.

O R D E R

IT IS ORDERED that:

1. The Environmental Impact Report for the Moorpark-Newbury 66 kV Subtransmission Line Project is certified as having been completed in compliance with the California Environmental Quality Act, reviewed and considered by the California Public Utilities Commission (Commission) prior to approving the project, and reflective of the Commission's independent judgment and analysis.

2. Southern California Edison Company is granted a permit to construct the Moorpark-Newbury 66 kV Subtransmission Line Project, with the mitigation

identified in the Mitigation Monitoring, Compliance and Reporting Plan, which is attached to this decision.

3. Energy Division may approve requests by Southern California Edison (SCE) for minor project refinements that may be necessary due to final engineering of the Moorpark-Newbury 66 kV Subtransmission Line Project so long as such minor project refinements are located within the geographic boundary of the study area of the Environmental Impact Report and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. SCE shall seek any other project refinements by a petition to modify this decision.

4. Within 90 days of this order, Southern California Edison shall submit, and serve on the official service list in Application 13-10-021, an advice letter analyzing the effectiveness and feasibility of reducing electromagnetic effects at low- or no-cost by affixing insulators and conductor mounts for the Moorpark-Newbury 66 kV Subtransmission Line Project on the west side of the tubular steel poles rather than on the east side closer to homes and, if effective and feasible, amending the Field Management Plan for the project to incorporate the measure.

5. All pending motions are deemed denied.

6. ~~5.~~ Application 13-10-021 is closed.

This order is effective today.

Dated _____, at San Francisco, California.